



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

CERTIFIED MAIL

May 14, 2018

Wes Tuttle, General Manager
New England Sports Center
121 Donald Lynch Blvd.
Marlboro, MA 01752

Re: Information Request Pursuant to the Clean Air Act

Response Required Within Thirty Days of Receipt

Dear Mr. Tuttle:

This letter is in regards to the New England Sports Center's ice skating rink ("Rink") and its compliance with:

- (a) the chemical inventory reporting requirements of Sections 302 and 312 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. §§ 11002 and 11022; and
- (b) the chemical release prevention requirements of Section 112(r) of the Clean Air Act ("CAA" or "Act"), 42 U.S.C. § 7412(r).

The United States Environmental Protection Agency ("EPA") has learned that the Rink may use anhydrous ammonia as a refrigerant, but EPA could not find a chemical inventory form for the Rink in the State's EPCRA database.

Information Request

Section 114(a)(1) of the Clean Air Act, 42 U.S.C. § 7414(a)(1), authorizes EPA to require a company to submit such information as EPA may reasonably require to determine its compliance with the Clean Air Act. Compliance with this Information Request for questions 1-5 is mandatory, and a response to questions 6-7 is requested but not mandated.

Failure to respond fully and truthfully, or to adequately justify any failure to respond to questions 1-5, **within thirty (30) days of receipt of this letter**, can result in an enforcement action by EPA pursuant to Section 113 of the Clean Air Act, 42 U.S.C. § 7413. The Act permits EPA to seek the imposition of penalties. This reporting requirement is not subject to Office of Management and Budget review under the Paperwork Reduction Act. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

You may, if you desire, assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). You should read the above-cited regulations carefully before asserting a business confidentiality claim, as certain categories of information are not properly the subject of such a claim. If no such claim accompanies the information when it is received by EPA, the information may be made available to the public by EPA without further notice to you.

Please submit the above-referenced information in writing and by electronic mail to:

Mary Jane O'Donnell
Office of Environmental Stewardship (Mail Code OES 05-1)
U. S. Environmental Protection Agency, Region I
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
odonnell.maryjane@epa.gov

As part of your response, please complete the enclosed declaration found in the Information Request section of this letter (Attachment 1) and, following the instructions in Attachment 2, answer the questions in Attachment 3.

Compliance Assistance Resources

This letter also conveys some compliance assistance information to help you comply with environmental laws relating to the use of anhydrous ammonia at your Rink. The following documents are enclosed in the Compliance Assistance section of this letter:

- (a) A list of key safety measures to help you prevent and prepare for ammonia releases at the Rink;
- (b) A list of compliance assistance tools and resources for the ammonia refrigeration sector. The list includes web links to other documents, so it is best accessed on line. Go to <https://www.epa.gov/sites/production/files/2017-11/documents/complianceassistance-ammoniarefrigerationsector0617.pdf>;
- (c) A summary of the EPCRA chemical inventory reporting requirements for ice rinks; and
- (d) An information sheet for small businesses.

If you have any questions, please contact Mary Jane O'Donnell of my staff at (617) 918-1371.

Sincerely,



Beth Deabay
Acting Manager, Technical Enforcement Office
Office of Environmental Stewardship

Enclosures

Information Request

INFORMATION REQUEST

ATTACHMENT 1

Instructions: Complete and Include With Your Response

DECLARATION

I declare under penalty of perjury that I am the

_____ of _____,
[Title] [Name of Facility]

that I am authorized to respond on behalf of

_____, and
[Name of Facility]

that the foregoing is a complete, true, and correct response.

Executed on _____
[Date]

[Signature]

[Type Name and Title]

**INFORMATION REQUEST
ATTACHMENT 2
INSTRUCTIONS AND DEFINITIONS**

Instructions

1. Please provide a separate narrative response to each and every question set forth in this Information Request.
2. Precede each answer with the number of the question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
5. For any document that is responsive to a question set forth in this Information Request that is no longer available to you as of the date of submission of your response, provide the name and contact information for any person who prepared the document and/or had knowledge of its contents.
6. The information requested herein must be provided even though you may contend that it includes possible confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary," or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in the statute and regulation identified above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

Please note the burden of proof is on you to demonstrate that information claimed as confidential satisfies the criteria set forth in 40 C.F.R. § 2.208. If any portion of your response contains information which you claim as confidential, you must submit two copies of any such "confidential business information" in accordance with the following procedures:

1) The first copy of any document containing such “confidential business information” must be complete and contain all information. Additionally, each such page must be marked conspicuously to indicate that it is claimed as confidential.

2) The second copy of any document that is subject to a CBI claim must be redacted so that it contains only information that is not claimed as confidential.

Definitions

The following definitions shall apply to the following words as they appear in Attachment 3:

1. The term "you," "your," the "New England Sports Center's ice skating rink," or the "Rink" shall include the New England Sports Center, and the addressee of this Information Request.
2. The term "person" shall have the same definition as in Section 302(e) of the CAA, 42 U.S.C. § 7602.
3. The term "document" or "documentation" includes any object that contains, records, stores or presents information, whether in paper, electronic or any other form.
4. The term "identify" means, with respect to a *natural person*, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
5. The term "identify" means, with respect to a *corporation, partnership, business trust or other association or business entity* (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
6. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
7. The term "facility" or "Facility" refers to the New England Sports Center's ice skating rink in Marlboro, MA.
8. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
9. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Clean Air Act or 40 C.F.R. Part 68, in which case the statutory or regulatory definitions shall apply.
10. A requested document, item or information shall be deemed to be in your "possession, custody or control" if you know where it is and can obtain access to it, even if it is not presently in your possession.

INFORMATION REQUEST ATTACHMENT 3

Questions

Please provide a separate response to each question in this Information Request. You may fill in the questions by hand, or answer them in a separate document. Precede each answer with the number of the question to which it corresponds.

Questions about Who Owns and Operates Rink

1. What entity owns the New England Sports Center's ice skating rink ("Rink")?

2. What entity operates the Rink?

Questions about Ammonia Inventory

3. Does the Rink have any refrigeration systems that use anhydrous ammonia?
Yes ___ No ___ How many? _____
4. What is the inventory of anhydrous ammonia contained within each refrigeration system referenced in your answer to Question 1 above? (list individually).¹

Refrigeration System	Inventory of Anhydrous Ammonia (pounds)

¹ There are three methods that are typically used to determine the inventory of anhydrous ammonia in a refrigeration system ("System"). Each method is briefly described below:

- a) Method 1: Document the ammonia charges to the System:
This method involves estimating the inventory by keeping documentation of all ammonia charges to the System since the original charge. This option is not recommended for systems that have undergone significant changes or ammonia losses.
- b) Method 2: Document inventory via System pump-down:
This option can be used when the System is shut down for maintenance, and the ammonia is either completely removed from the System or returned to one or more vessels in the system.
- c) Method 3: Engineering calculations of individual System components to estimate the amount of ammonia in the System: *This method involves performing inventory calculations on the components of the System that contain liquid-phase ammonia, such as pipes, receivers, condensers, surge drums, evaporators, oil coolers, etc.*

Various organizations offer on-line calculators or other resources to help determine inventory amounts, including, for example, the International Institute for Ammonia Refrigeration and the Industrial Refrigeration Consortium.

Questions about Identification of Hazards at the Rink

Information about the Requirement for Hazard Identification: Anhydrous ammonia is an extremely hazardous substance listed in Section 112(r)(3) of the Clean Air Act, 42 U.S.C. § 7412(r)(3). Owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the Clean Air Act, or any other extremely hazardous substance, have a general duty to:

- (1) identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques;
- (2) design and maintain a safe facility taking such steps as are necessary to prevent releases; and
- (3) minimize the consequences of accidental releases that do occur.

A guidance that further explains these duties may be found at <https://www.epa.gov/sites/production/files/documents/gendutyclause-rpt.pdf>.

To satisfy the first duty listed above, facilities having less than 10,000 pounds of anhydrous ammonia in a refrigeration system must conduct a process hazard review.³ Those facilities having more than 10,000 pounds of anhydrous ammonia in a refrigeration system must conduct a process hazard analysis following the requirements of 40 C.F.R. § 68.67.

5. Has a process hazard review/analysis been performed on each ammonia refrigeration system referenced in your answer to Questions 1 and 2 above? Yes ___ No ___

If yes, specify the type of review, the year of the review, and who conducted it in the table below.

Refrigeration System	Type of Process Hazard Review (Specify industry checklist, What-If Analysis, HAZOP Analysis, or other)	Year of Process Hazard Review	Who Conducted Hazard Review (Specify outside team, your company, insurance company, or other)

³ The recommended industry practice and standard of care for ammonia refrigeration systems of this size would be to identify hazards using industry checklists or a What-if analysis. See e.g., the International Institute of Ammonia Refrigeration's ("IIAR's") *Ammonia Refrigeration Management Program* (2005), Section 10; EPA's *Guidance for Implementation of the General Duty Clause Clean Air Act Section 112(r)(1)*, available at <http://www.epa.gov/oem/docs/chem/gdcregionalguidance.pdf>; and IIAR Bulletin No. 110, *Start-up, Inspection and Maintenance of Ammonia Mechanical Refrigerating Systems* (1993, rev. 2002) Section 5.2.1 [The owner shall confirm that a Process Hazard Analysis has been completed and that recommendations have been resolved or implemented.]

Questions about Chemical Inventory Reporting

6. Have you helped state and local emergency responders and planners prepare for an ammonia release by notifying the State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), or other authorities of the presence of any extremely hazardous substances, including anhydrous ammonia, in compliance with EPCRA Section 302, 42 U.S.C. § 1102?

Yes ____ No ____ If so, when? _____

7. Have you filed your annual EPCRA Tier II inventory form for the Rink with the local fire department, LEPC, and SERC in compliance with EPCRA Section 312, 42 U.S.C. § 11022, and 40 C.F.R. Part 370?

Yes ____ No ____ If so, when? _____. Please provide a copy.

Compliance Assistance

COMPLIANCE ASSISTANCE RESOURCES

KEY SAFETY MEASURES

As part of the Chemical Accident Risk Reduction national enforcement initiative, EPA developed the following key safety measures for inspection of ammonia refrigeration systems and has reviewed them with the International Institute of Ammonia Refrigeration ("IIAR"). They are measures that EPA has determined should be in place, regardless of an ammonia refrigeration system's age or size, for the system to meet the requirements of 40 C.F.R. Part 68 or the Clean Air Act's General Duty Clause, 42 U.S.C. § 7412(r)(1). This is not intended to be a complete list of important safety measures but rather a subset of easily verifiable items that could help facilities prevent ammonia releases and prepare for any releases that do occur. Compliance with the measures in this list does not replace the obligation to comply with EPA's Risk Management Program found at 40 C.F.R. Part 68 (for systems with more than 10,000 lbs of ammonia) or the Clean Air Act's General Duty Clause. For more information, please visit <https://www.epa.gov/rmp>.

Identifying Hazards

- Hazard Addressed: Releases or safety deficiencies that stem from a failure to identify hazards in design/operation of system
 - Facility has completed a process hazard analysis or review.

Operating Activities:

- Hazard Addressed: High risk of release from operating or maintenance activity
 - System has self-closing/quick closing valves on oil pots.
 - Facility has written procedures for maintenance and operation activities.
 - Only authorized persons have access to machinery room and the ability to alter safety settings on equipment.

Maintenance/Mechanical Integrity:

- Hazard Addressed: Leaks/releases from maintenance neglect
 - A preventative maintenance program is in place to, among other things, detect and control corrosion, deteriorated vapor barriers, ice buildup, and pipe hammering, and to inspect integrity of equipment/pipe supports.
 - All piping system openings except the relief header are plugged or capped, or valve is locked.
 - Equipment, piping, and emergency shutdown valves are labeled for easy identification, and pressure vessels have legible, accessible nameplates.
 - All atmospheric pressure relief valves have been replaced in the last five years with visible confirmation of accessible pressure

relief valves [note – replacement every five years is the general rule but there are two other options in IIAR Bulletin 110, 6.6.3].

Machinery Room and System Design

- Hazard Addressed: Inability to isolate and properly vent releases
 - The System(s) has/have emergency shut-off and ventilation switches outside each machinery room.
 - The machinery room(s) has/have functional, tested, ventilation. Air inlets are positioned to avoid recirculation of exhaust air and ensure sufficient inlet air to replace exhausted air.
 - Documentation exists to show that pressure relief valves that have a common discharge header have adequately sized piping to prevent excessive backpressure on relief valves, or if built prior to 2000, have adequate diameter based on the sum of the relief valve cross sectional areas.

Emergency Actions

- Hazard Addressed: Inability to regain control and reduce release impact
 - Critical shutoff valves are accessible, and a schematic is in place to show responders where to access them.
 - EPCRA Tier II reporting is up to date.

Additional Compliance Items *[Note: For various reasons, the items below were not incorporated into the primary list, above. Nonetheless, they are very important safety measures and should also be reviewed during inspections and incorporated into settlements, if at all possible.]*

Identifying Hazards

- For systems that employ hot gas defrost, the process hazard analysis/review includes an analysis of, and identifies, the engineering and administrative controls for the hazards associated with the potential of vapor propelled liquid slugs and condensation-induced hydraulic shock events.

Operating Activities and Maintenance/Mechanical Integrity

- Written procedures are in place for proper use and care of personal protective equipment.
- If respirators are used, facilities know the location of their respirators, and they are inspected and maintained per manufacturer or industry standards.
- All changes to automation systems (programmable logic controls and/or supervisory control and data acquisition systems) if present, are subject to management of change procedures.

Machinery Room and System Design

- The facility has engineering controls in place to protect equipment and piping against overpressure due to hydrostatic expansion of trapped liquid refrigerant. Administrative controls are acceptable where hydrostatic overpressure can occur only during maintenance operations.
- Eyewash station(s) and safety shower(s) is/are present and functional.

Emergency Actions

- Emergency response communication has occurred or has been attempted with the Local Emergency Planning Committee and local responders.
- The facility has an emergency action plan pursuant to 29 C.F.R. § 1910.38(a) or an emergency response plan pursuant to 29 C.F.R. § 1910.120(q) and 40 C.F.R. § 68.95.

COMPLIANCE ASSISTANCE TOOLS AND RESOURCES FOR THE AMMONIA REFRIGERATION SECTOR JUNE 2017

SUMMARY OF TOOLS AND RESOURCES IN THIS DOCUMENT

This document contains industry-specific information for the implementation of the Chemical Accident Risk Reduction (CARR) National Enforcement Initiative (NEI). This document provides lists and descriptions of tools and resources broken out by the following types: EPA, EPA Partnerships, and Trade Associations

LIST OF AMMONIA REFRIGERATION COMPLIANCE ASSISTANCE TOOLS AND RESOURCES

EPA

- [Accident Prevention and Response Manual for Anhydrous Ammonia Refrigeration System Operators](#)
- [Appendix E: Supplemental Risk Management Program Guidance for Ammonia Refrigeration Facilities](#)
- [Enforcement Alert for Anhydrous Ammonia Refrigeration](#)
- [General Duty Clause Fact Sheet](#)
- [Guidance for Implementation of the General Duty Clause: Clean Air Act \(CAA\) Section 112\(r\)\(1\), May 2000](#)
- [Introduction to CERCLA 103, EPCRA and CAA 112\(r\)](#)
- [Emergency Planning and Community Right-to-know Act \(EPCRA\) Homepage](#)
- [EPCRA 311-312: Hazardous Chemical Inventory Reporting Requirements](#)
- [Enforcement Response Policy for Sections 304, 311, and 312 of EPCRA and 103 of CERCLA](#)
- [Combined Enforcement Policy CAA 112\(r\)\(1\), \(7\)](#)
- [Consolidated List of Chemicals Subject to EPCRA, CERCLA and CAA 112\(r\)](#)
- [Risk Management Plan \(RMP\) Rule Homepage](#)
- [How to Submit a Risk Management Plan \(RMP\) to EPA](#)

EPA Partnership & Trade Associations

- [International Institute for Ammonia Refrigeration \(IIAR\)](#)
- [Industrial Refrigeration Consortium \(IRC\)](#)
- [Ammonia Safety and Training Institute \(ASTI\)](#)
- [Refrigeration Engineers and Technicians Association \(RETA\)](#)
- [American Society of Heating, Refrigerating and Air-Conditioning Engineers \(ASHRAE\)](#)
- [Center for Retail Compliance \(Retail Industry Leaders Association\)](#)
- [Food Processing Environmental Assistance Center \(FPEAC\)](#)
- [American Society for Testing and Materials \(ASTM\) Compass Compliance Assistance](#)

*Disclaimer: Nothing in this appendix should function as an endorsement from the EPA or a guarantee of compliance as third parties may not maintain their websites in a timely manner. *

DESCRIPTION OF AMMONIA REFRIGERATION SECTOR'S COMPLIANCE ASSISTANCE TOOLS AND RESOURCES

EPA Compliance Assistance

Accident Prevention and Response Manual for Anhydrous Ammonia Refrigeration System Operators

This manual summarizes the requirements of environmental and safety laws for anhydrous ammonia refrigeration system operators. A list of the federal laws and regulations related to process safety, accident prevention, emergency planning, and release reporting may be found in Appendix C.

(https://www.epa.gov/sites/production/files/2015-05/documents/accident_prevention_ammonia_refrigeration_5-20-15.pdf)

Appendix E: Supplemental Risk Management Program Guidance for Ammonia Refrigeration Facilities

This appendix supplements the main body of the General Guidance to provide additional information for food processors, food distributors, and refrigerated warehouses who use ammonia as a refrigerant, as well as any other facility that has an ammonia refrigeration system. The appendix covers Risk Management Program elements in the same general order as those elements are addressed in the main document.

(<https://www.epa.gov/sites/production/files/2013-11/documents/appendix-e-final.pdf>)

Enforcement Alert for Anhydrous Ammonia Refrigeration

Evidence gathered by the U.S. Environmental Protection Agency (EPA) indicates that some refrigeration facilities may be failing to properly manage hazardous chemicals, including anhydrous ammonia, as required by the Clean Air Act (CAA) Section 112(r). This Alert is intended to inform the industry that companies must take responsibility to prevent accidental releases of dangerous chemicals like anhydrous ammonia through compliance with CAA's Chemical Accident Prevention Program.

(<https://www.epa.gov/sites/production/files/2015-02/documents/112renforcementalert.pdf>)

General Duty Clause Fact Sheet

This fact sheet provides an overview of the Clean Air Act Section 112(r)(1), the General Duty Clause, which states: "The owners and operators of stationary sources producing, processing, handling or storing such substances [i.e., a chemical in 40 CFR part 68 Chemical Accident Prevention Provisions or any other extremely hazardous substance] have a general duty to identify hazards which may result from (such) releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur." (<https://www.epa.gov/sites/production/files/2013-10/documents/gdc-fact.pdf>)

Guidance for Implementation of the General Duty Clause: Clean Air Act (CAA) Section 112(r)(1), May 2000

This Guidance details approaches for implementing the general duty clause of the Clean Air Act (CAA), explains statutory requirements, and describes how to assess compliance.

Introduction to CERCLA 103, EPCRA and CAA 112(r)

Contaminated Site Clean Up Information (CLU-IN) slideshow which provides a detailed explanation for various requirements under the above three statutes, including lists of regulated substances, applicability criteria and prevention programs. CLU-IN provides a forum for issues regarding chemical clean ups by spotlighting recent events and publications in the field. They provide databases, videos and other resources that can aid in awareness, prevention and clean up. (https://clu-in.org/conf/tio/osc4_111609/prez/osc4pdf.pdf)

Emergency Planning and Community Right-to-know Act (EPCRA) Homepage

The Emergency Planning and Community Right-to-Know Act (EPCRA) was passed in response to concerns regarding the environmental and safety hazards posed by the storage and handling of toxic chemicals. To reduce the likelihood of a disaster in the United States, Congress imposed requirements for federal, state and local governments, tribes, and industry which cover emergency planning and "Community Right-to-Know" reporting on hazardous and toxic chemicals. This homepage provides links to simple guides like the EPCRA Fact Sheet which outlines section by section requirements and procedures necessary to remain in compliance with 42 USC 116 The Emergency Planning and Community Right-to-Know Act. (<https://www.epa.gov/epcra>) (https://www.epa.gov/sites/production/files/2015-05/documents/epcra_fact_sheet.pdf)

EPCRA 311-312: Hazardous Chemical Inventory Reporting Requirements

Provides guidance on the reporting requirements under EPCRA 311 and 312, including compliance assistance at Federal and State levels and links to [Tier 1 Inventory Submission Instructions](#) which are necessary when handling certain levels of ammonia. Provides a simpler overview of the EPCRA requirements under 40 CFR 370 Hazardous Chemical Reporting: Community Right-to-Know. (<https://www.epa.gov/epcra/epcra-sections-311-312>) (https://www.epa.gov/sites/production/files/2017-06/documents/tier_i_inventory_form_instructions_2017.pdf)

Enforcement Response Policy for Section 304, 311, and 312 of EPCRA and Section 103 of CERCLA

This policy assists in calculating proposed penalties for all civil administrative actions, and for settling actions concerning EPCRA §§ 304, 311 and 312 and CERCLA § 103(a). The purpose of this Policy is to ensure that enforcement actions are legally justifiable, uniform and consistent. The Agency reserves the right to act at variance with this Policy and to change it at any time without public notice. (<https://www.epa.gov/sites/production/files/documents/epcra304.pdf>)

Combined Enforcement Policy CAA 112(r)(1), (7)

This policy addresses civil enforcement actions for violations of Clean Air Act (CAA) section 112(r)(1), 42 U.S.C. § 7412(r)(1), known as the General Duty Clause (GDC) and for violations of section 112(r)(7) and its implementing regulations found at [40 CFR part 68 Chemical Accident Prevention Provisions](#). This policy is used to develop settlement penalty amounts for civil judicial enforcement actions and for civil administrative cases and only applies to violations of EPA's civil regulatory program, not to enforcement pursuant to criminal provisions of laws or regulations. (<https://www.epa.gov/sites/production/files/documents/112rc ep062012.pdf>)

Consolidated List of Chemicals Subject to EPCRA, CERCLA and CAA 112(r)

This consolidated chemical list includes chemicals subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and section 112(r) of the Clean Air Act (CAA). This consolidated list does not include all hazardous chemicals subject to the reporting requirements in EPCRA sections 311 and 312 which identify hazardous chemicals by broad criteria,

rather than by enumeration.

(https://www.epa.gov/sites/production/files/2015-03/documents/list_of_lists.pdf)

Risk Management Plan (RMP) Rule Homepage

The Risk Management Plan (RMP) Rule implements Section 112(r) of the 1990 Clean Air Act amendments. RMP requires facilities that use extremely hazardous substances to develop a Risk Management Plan. These plans must be revised and resubmitted to EPA every five years. Directions for RMP submission can be found on the RMP eSubmit website.

(<https://www.epa.gov/rmp>)

(<https://www.epa.gov/rmp/rmpesubmit>)

EPA Partnerships & Trade Associations

International Institute for Ammonia Refrigeration (IIAR)

IIAR advocates for the safe, reliable and efficient use of ammonia and other natural refrigerants. IIAR members share their collective knowledge and experience to produce consensus documents that address various aspects of the natural and industrial refrigeration industry. IIAR has broad industry representation including manufacturers, design engineers, contractors, end users, academics, scientists, and trainers. IIAR sets the standard for providing advocacy, education and the most up-to-date technical information to the ammonia and natural refrigeration community. IIAR's website offers links to 3rd party certifiers, insurers, publications and more.

(http://www.iiar.org/IIAR/WCM/WCM/Government_and_Code/Environmental_Protection_Agency.aspx)

Industrial Refrigeration Consortium (IRC)

The Industrial Refrigeration Consortium is a collaborative effort between the University of Wisconsin Madison and industry with a goal of improving the safety, efficiency, and productivity of industrial refrigeration systems and technologies by conducting applied research, delivering knowledge transfer, and providing technical assistance with efforts focused on industrial refrigeration systems that utilize anhydrous ammonia and other refrigerants. The IRC offers a unique combination of complementary resources that include academic qualifications, technical expertise, and practical experience.

(<https://www.irc.wisc.edu/>)

Ammonia Safety and Training
Institute (ASTI)

The Ammonia Safety & Training Institute (ASTI) is a non-profit organization dedicated to making ammonia (NH₃) the safest managed hazardous material in the world. Bringing together leaders from industry and public safety organizations, ASTI provides safety management support through effective use of Prevention, Mitigation, Preparedness, Response and Recovery (PMPRR) training. ASTI offers live and simulated training courses in accordance with OSHA Standard 1910.120(q), Training Day conference-style programs across the country and internationally, tools to aid compliance with EPA's One Plan Response, and compliance assistance educational materials for sale.

(<https://ammonia-safety.com/>)

Refrigeration Engineers and
Technicians Association (RETA)

The Refrigerating Engineers and Technicians Association (RETA) is dedicated to the professional development of industrial refrigeration operators and technicians. RETA is a non-profit membership and certification organization. RETA offers various certification and credential-building opportunities, annual conferences, local seminars, publications and updates, and educational and training materials for sale. (<http://reta.com/>)

American Society of Heating,
Refrigerating and Air-
Conditioning Engineers
(ASHRAE)

ASHRAE focuses on building systems, energy efficiency, indoor air quality, refrigeration and sustainability through research, standards writing, publishing and continuing education. They provide resources and publications for free and for members and they also provide certification and education services. (<https://www.ashrae.org/resources--publications/free-resources#everyone>)

Center for Retail Compliance
(Retail Industry Leaders
Association)

The Center for Retail Compliance helps retailers answer specific regulatory questions, find relevant resources and agency tools, identify environmental issues that apply to their specific operations, understand how sustainability can reduce regulatory risk and costs, plan and implement a systematic compliance program, and learn leading practices from other retailers. (<http://www.retailcrc.org/RegGuidance/Pages/fact-sheet.aspx?s=Refrigerant%20Fact%20Sheet>)

<https://www.epa.gov/enforcement/national-enforcement-initiative-reducing-risks-accidental-releases-industrial-and>

Food Processing Environmental
Assistance Center (FPEAC)

This website contains a Compliance Summary Tool, designed to provide information and compliance assistance about Federal, State and local environmental regulations for users of different categories of food processing facilities.

(<http://www.fpeac.org/cs/index.cfm>)

American Society for Testing
and Materials (ASTM) Compass
Compliance Assistance

Through ASTM Compass, users can access standards, translated standards, technical information and training plus productivity tools. Another advantage is the detailed search refinements, the upgraded learning management system (no additional sign-on needed), and other content including data series, research reports and the terminology dictionary.

(<https://compass.astm.org/download/E681.11224.pdf>)

Your Annual Chemical Inventory: How do I file Tier2 form under the Emergency Planning and Community Right-to-Know Act

The federal Emergency Planning and Community Right-To-Know Act (EPCRA) requires facility owners and operators to annually report on the presence of hazardous chemicals at their facilities to their State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC) and local fire department. **Hazardous chemicals subject to this EPCRA requirement may be found in numerous forms, such as in products, batteries, liquid solutions, solid materials, and other substances.** Note that sometimes the local fire department is also the LEPC. States, communities and citizens use this information to plan, prepare for, prevent and respond to any chemical spills, emergencies or releases at a facility.

Who needs to report?

Most ice rinks using ammonia as a refrigerant are subject to EPCRA Tier 2 reporting. You need to report if you have over 10,000 pounds of hazardous chemicals for which facilities are required to have a Safety Data Sheet (SDS) as required by Occupational Safety and Health Administration (OSHA). Some ice rinks may also have Extremely Hazardous Substances (EHS), which is a specific list with thresholds of 500 pounds or less. The most common Extremely Hazardous Substances found at ice rinks are ammonia and sulfuric acid, both of which have a 500 pound threshold for Tier 2 reporting. EPCRA Tier 2 forms are due by March 1, 2018 for the previous calendar year 2017.

Note that in New England, Vermont has a reporting threshold of 100 pounds for all chemicals. If you are outside of New England, be sure to check if your state has lower reporting thresholds.

The types of hazardous chemicals an ice rink might need to report include, but are not limited to:

- Ammonia (500-pound EHS threshold)
- Non-ammonia refrigerant (10,000 pounds) – *Examples R22, R134a*
- Lead Acid Batteries: contain both sulfuric acid (500-pound EHS threshold) and lead (10,000 pounds)
Lead acid batteries can be found in zamboni, trucks, maintenance equipment, and backup generators.
- Glycol solutions (10,000 pounds) – used as coolant
- Brine solutions (10,000 pounds) – used as coolant
- Sand (10,000 pounds)
- De-icer (10,000 pounds) *Examples: Salt, Urea*
- Backup generator's fuel *Examples: Diesel/#2 fuel oil/ propane*
Examples: Propane (approximately 2,500 gallons equals 10,000 pounds) or Diesel or #2 fuel oil (approximately 1562 gallons equals 10,000 pounds).
Note that if you use natural gas through a pipeline there is no reporting requirement for that fuel.

Do I have to report for an ice skating rink that is only open for 3 months?

- The EPCRA annual reporting requirement is based on how much hazardous chemical you have on-site at any one time during the previous year. If you have 10,000 pounds of a hazardous chemical or an Extremely Hazardous Substance over reporting threshold that requires a SDS by OSHA, you have an annual Tier 2 reporting requirement due on or before March 1.

To whom do I submit Tier 2 forms?

- The owner or operator of the ice rink is required to submit Tier 2 reports to their State Emergency Response Commission (SERC), Local Emergency Planning Committee (LEPC), and local fire department by March 1, 2018.

When are reports due?

- Tier 2 reports are due annually by **March 1** *for the previous calendar year.*
- However, if you have brought a hazardous chemical into your facility for the first time in an amount that meets or exceeds the threshold, and you have never reported that chemical before, you will have to submit either a SDS or hazardous chemical list to the LEPC, SERC and fire department **within three months** of having that chemical present in threshold amounts. See 40 C.F.R. § 370.20-33. This is a one-time reporting requirement to make sure the emergency response/planning agencies have timely information about the new presence of hazardous chemicals at your facility; thereafter, you will submit the Tier 2 on an annual basis. *Note that if you're bringing EHSs into your facility for the first time, you should also ensure that you have complied with the separate emergency planning requirements of 40 C.F.R. Part 355 that apply specifically to EHSs, such as ammonia and sulfuric acid. These regulations give only 60 days – not 90 -- for you to report the presence of EHSs to the SERC and LEPC.*

How do I submit my annual Tier 2 form?

- All New England states require electronic reporting
- Some LEPCs and fire departments may request a hard copy.
- EPCRA Tier 2 reporting: <https://www.epa.gov/epcra/epcra-sections-311-312>
- Newest version of Tier2 Submit™ software: <https://www.epa.gov/epcra/tier2-submit-software>
- State Tier 2 reporting requirements and procedures: <https://www.epa.gov/epcra/state-tier-ii-reporting-requirements-and-procedures>

Questions:

- EPCRA Hotline: 800-424-9346
- Call Janet Bowen, EPA Region 1, 617-918-1795 or bowen.janet@epa.gov
- EPCRA Hazardous Chemical Reporting: 40 C.F.R. Part 370
- Attend EPCRA Tier 2 training: <https://www.epa.gov/epcra/emergency-planning-and-community-right-know-act-epcra-workshops-new-england>

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - <http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources#ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbeap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.